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August 27, 2018

Via ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
United States Courthouse
New York, NY 10007

**Re: *Pearson Educ., Inc., et al. v. Doe 1 d/b/a Anything You Can Imagine, et al.*,
SDNY Case No. 18-cv-7380-PGG**

Dear Judge Gardephe:

We represent Plaintiffs Pearson Education, Inc., Elsevier Inc., McGraw-Hill Global Education Holdings, LLC, Cengage Learning, Inc., and Bedford, Freeman & Worth Publishing Group, LLC (“Plaintiffs”) in the above-referenced action.

Except as to Defendants Flipping Pages, Inc., Benjamin Roberts, and Cameron Roberts, including, as alleged in the Complaint, the Online Storefronts FlippingPages, Shared Literacy Knowledge Foundation, LAM’s Treasure Chest, and SAEEDHAM4352, collectively, the “Roberts Defendants,” we write to request a 14-day adjournment of the Order to Show Cause hearing and corresponding extension of the Temporary Restraining Order (the “TRO”) issued on August 15, 2018 (ECF No. 3) (the “Order”). Specifically, other than as to the Roberts Defendants, Plaintiffs seek to extend the dates set out in the Court’s Order, such that: (1) Defendants’ answering papers are due on September 5, 2018; (2) Plaintiffs’ reply papers, if any, are due on September 7, 2018; (3) the Order to Show Cause hearing will be held either September 11, 2018 or September 12, 2018; and (4) the TRO will remain in effect up to and including the date on which the Order to Show Cause hearing is rescheduled or unless the Court rules otherwise.

By way of brief background, Plaintiffs are a group of educational publishers. Plaintiffs brought this action against a group of Doe Defendants and named Defendants whom Plaintiffs allege are distributing counterfeit textbooks, in violation of Plaintiffs’ copyright and trademark rights, through various online storefronts on Amazon.com, eBay.com, and other online

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marketplaces. Plaintiffs initiated this action on August 15, 2018 and simultaneously filed an application for an Order to Show Cause. The Order provides that Defendants' answering papers are due on August 27, 2018, Plaintiffs' reply, if any, is due on August 28, 2018, and the preliminary injunction hearing will be held on August 29, 2018.

There is good cause to adjourn the hearing and extend the dates in the Order. First, counsel for Defendants Doe 2, Doe 8, UnityStore, Inc., Spencer Rowles, Wesley Rowles, Carlos Carrasco, and Borgasorus Books Inc. have consented to the extension of the TRO. Second, the additional time will allow the parties to try to reach agreement on a proposed preliminary injunction, and to allow financial institutions sufficient time to respond to the subpoenas and produce identifying information for the Doe Defendants. Accordingly, other than as to the Roberts Defendants, Plaintiffs respectfully request that for all other Defendants' answering papers be due on September 5, 2018, Plaintiffs' reply papers, if any, be due September 7, 2018, the Order to Show Cause hearing be rescheduled for September 11 or 12, 2018, and the TRO be extended for 14 days, to September 12, 2018.

With regards to the Roberts Defendants, Plaintiffs request the Court deem the TRO expired, effective immediately. Plaintiffs and counsel representing Defendants Benjamin Roberts, Cameron Roberts, and Flipping Pages, Inc. have committed to engage in good faith discussions concerning the need for, and scope of, any potential preliminary injunctive relief against said Defendants and hope to reach a resolution without judicial assistance.

No previous requests or adjournments have been made in this matter. Notwithstanding the request for the extension and adjournment herein, Plaintiffs' counsel is available and will appear at the previously scheduled time on Wednesday, August 29, 2018, to provide the Court with an update on the status of this matter.

Thank you for the Court's time and attention to this matter.

Sincerely,

/s Matthew Fleischman

SO ORDERED:

THE HONORABLE PAUL G. GARDEPHE